APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,439	05/25/2001	Edwin Andre Montie	NL 000307	5977

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EXAMINER
SHIBRU, HELEN

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 May 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/21/05,01/31/02</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendments, filed 11/21/2005, have been entered and made of record. Claims 1-19 are pending. In view of the Applicants' amendments to the specification and the drawing, the objection to the specification and the drawing are hereby withdrawn.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection sets forth below.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Miki (US Pat. No. 5,107,481).

Regarding claim 1, Miki discloses a method of allocating recording space on a recording medium (see optical disk (102) in fig. 1 and col. 4 lines 47-50) for recording an entry of predetermined length, the recording medium having an associated displayed directory listing blocks specifying free space and previously recorded entries, the method comprising the steps (see col. 4 line 51-col. 5 line 9, and fig. 18a, 18b):

receiving a start position on the recording medium (col. 5 lines 9-24 and col. 6 lines 12-

31);

determining, with the aid of the displayed directory, consecutive blocks of said listed

blocks necessary for recording at least the entry of predetermined length, starting from the start

position (see col. 5 lines 11-64 and fig. 2); and

displaying the directory (see col. 4 line 65-col. 5 line 5),

characterized in that the method further comprises the step:

indicating the determined consecutive blocks necessary for recording at least the entry of

predetermined length in the displayed directory (see col. 5 line 25-col. 7 line 44).

Regarding claim 2, Miki discloses the start position is determined by a search algorithm

(see col. 5 lines 25-63).

Regarding claim 3, Miki discloses the start position is determined in that start position

input is received from a user (see col. 8 lines 7-65).

Regarding claim 4, Miki discloses the displayed directory is displayed in a text-only

format (see fig. 1, 18a, 18b, and col. 4 line 60- col. 5 line 9).

Regarding claim 5, Miki discloses the determined consecutive blocks are displayed so as

to be discernable from the rest of the displayed directory (see col. 10 line 50-col. 11 line 12 and

fig. 1, fig. 18a and b).

Regarding claim 6, Note to the Applicant: The USPTO considers the applicant's "or"

language to be anticipated by any reference containing one of the subsequent corresponding

elements. Miki discloses the determined consecutive blocks are indicated by displaying a frame

around the determined consecutive blocks, highlighting, or typography different from the other

directory blocks (see fig. 18a and b and col. 4 line 65-col.5 line 5).

Regarding claim 7, Miki discloses the predetermined length corresponds to an amount of

recording time (see col. 6 lines 12-31, col. 8 lines 7- 65, and claim 7).

Regarding claim 8, Miki discloses the predetermined length corresponds to an amount of

data (see col. 6 line 60-col. 7 line 36 and claim 1 and 7).

Regarding claim 9, Miki discloses the method further comprises the steps:

calculating the difference between an overall length of the determined consecutive blocks

and the predetermined length (see fig. 5, fig. 6, fig. 7, fig. 9d-f, fig. 17b, claim 4 and col. 6 line 1-

col. 7 line 36); and

displaying the difference (see col. 4 line 65-col. 5 line 5, col. 6 line 67-col. 8 line 65).

Regarding claim 10, Miki discloses a module for allocating recording space on a

recording medium for recording an entry of predetermined length (see optical disk (102) in fig.

1, col. 4 lines 47--col. 5 line 9, and fig. 18a, 18b), the module comprising:

memory means for storing a directory associated with the recording medium (see col. 3

lines 35-57 and col. 4 line 67-col. 5 line 24);

means for displaying said directory, said displayed directory listing blocks specifying free

space and previously recorded entries (see col. 5 lines 11-64 and fig. 2); and

processing means connected to the memory means for receiving a start position on the

recording medium, and for determining the consecutive blocks of the listed blocks necessary for

recording at least the entry of predetermined length, starting from the start position (col. 5 lines

9-64 and col. 6 lines 12-31, and fig. 2);

characterized in that the processing means indicates the determined consecutive blocks

necessary for recording at least the entry of predetermined length in the displayed directory (see

col. 5 line 25-col. 7 line 44).

Claim 11 is rejected for the same reason as discussed in claim 2 above.

Claim 12 is rejected for the same reason as discussed in claim 3 above.

Claim 13 is rejected for the same reason as discussed in claim 4 above.

Claim 14 is rejected for the same reason as discussed in claim 5 above.

Claim 15 is rejected for the same reason as discussed in claim 6 above.

Claim 16 is rejected for the same reason as discussed in claim 9 above.

Regarding claim 17, Miki discloses a video recorder system including the module as

claimed in claim 10 (see claim 2, col. 4 line 51-col. 5 line 26).

Regarding claim 18 Miki discloses a computer program product comprising data and

instruction to be loaded into a computer, thereby enabling the computer to carry out the method

as claimed in claim 1(see col. 5 lines 25-63).

Regarding claim 19, Miki discloses a data carrier provided with the computer program

product as claimed in claim 18 (see col. 4 lines 47-50 and col. 5 lines 35-63).

5.   Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida (EP

0 932 159).

Regarding claim 1, Yoshida discloses a method of allocating recording space on a

recording medium for recording an entry of predetermined length, the recording medium having

an associated displayed directory listing blocks specifying free space and previously recorded

entries (see col. 10 paragraph 0061-0062, fig. 3A and 3B and col.11 and 12 and claims 1, 2 and

7), the method comprising the steps:

receiving a start position on the recording medium (see paragraph 0061, 0062, 0065);

determining, with the aid of the displayed directory, consecutive blocks of said listed

blocks necessary for recording at least the entry of predetermined length, starting from the start

position (see paragraph 0065-0078); and

displaying the directory (see col. 10 paragraph 0058, col. 11 paragraph 0064, col. 12

paragraph 0070-0072 and claims 4-5),

characterized in that the method further comprises the step:

indicating the determined consecutive blocks necessary for recording at least the entry of

predetermined length in the displayed directory (see fig. 2 and 4, claims 1 and 6, and paragraph

0070-0072).

Regarding claim 10, Yoshida discloses a module for allocating recording space on a

recording medium for recording an entry of predetermined length (see col. 10 paragraph 0061-

0065, fig. 3A and 3B and col.11 and 12 and claims 1, 2 and 7), the module comprising:

memory means for storing a directory associated with the recording medium (see

paragraph 0063-0068);

means for displaying said directory, said displayed directory listing blocks specifying free

space and previously recorded entries (see col. 10 paragraph 0058, col. 11 paragraph 0064, col.

12 paragraph 0070-0072 and claims 4-5); and

processing means connected to the memory means for receiving a start position on the

recording medium, and for determining the consecutive blocks of the listed blocks necessary for

recording at least the entry of predetermined length, starting from the start position (see fig. 2

and 4, claims 1 and 6, and paragraph 0070-0072);

characterized in that the processing means indicates the determined consecutive blocks

necessary for recording at least the entry of predetermined length in the displayed directory (see

fig. 2 and 4, claims 1 and 6, and paragraph 0070-0072).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329.

The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JAMES J. GROODY can be reached on (571) 272-7950. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROBERT CHEVALIER
PRIMARY EXAMINER

Helen Shibru

February 6, 2006